

MR653-1384
Appl. No. 646,563
Reply to Office Action of 10 March 2004

REMARKS

At the outset, the courtesies extended by the Examiner and his Supervisor in granting the 26 April 2004 Interview, and the professionalism they demonstrated during the Interview, are appreciatively noted. During the interview, the references cited by the Examiner were discussed in light of clarifying amendments proposed to the Claims by the undersigned Attorney.

Responsive to the 10 March 2004 Office Action, independent Claims 1 and 6 are hereby amended as proposed at the Interview for further prosecution with the other pending Claims. Also, dependent Claims 3, 7, and 9 are amended to preserve consistency with Claims 1 and 6 as now amended. It is believed that with such amendment of Claims, there is a further clarification of their recitations for this Patent Application.

In the Office Action, the Examiner rejected Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by the Kroll design reference. The Examiner also rejected Claims 5-10 under 35 U.S.C. § 103(a) as being unpatentable over Kroll in view of the Carpenter reference. In setting forth the latter rejection, the Examiner acknowledged that Kroll fails to disclose a body being made of a mesh material or the fan member being made of a see-through material. The Examiner, however, cited Carpenter for these features and concluded that it would have been obvious to one having ordinary skill in the art to have

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modified Kroll's device to incorporate such features.

As newly-amended independent Claims 1 and 6 each now more clearly recite, Applicant's novelty apparatus is one which includes among its combination of features a fan member that defines a body "representative of a main body portion" of an "animal" and "a head member peripherally disposed relative to the body representative of a secondary body portion of the animal." The apparatus further includes a light weight fan "rotatably" mounted to a support provided on the fan member.

The full combination of these and other features now more clearly recited by the pending Claims are nowhere disclosed by the cited references. The primarily-cited Kroll reference is directed to a clown pinwheel article, whose clown face configuration the Examiner presumably correlated to a caricature, generally. Clearly, the pinwheel's structural configuration departs now from any fan member body "representative of a main body portion" of an "animal," let alone one having "a head member peripherally disposed relative" thereto, which is "representative of a secondary body portion of the animal," as each of Applicant's Claims 1 and 6 now clarifies.

Given such deficient teachings of the primarily-cited Kroll reference, the secondarily-cited Carpenter reference is found to be quite ineffectual to the present patentability analysis. Note, in any event, that while the Carpenter does mention the use

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of a see-through material and of a mesh, the reference prescribes such uses in ways that plainly depart from the recitations of Applicant's Claims. The first of the passages (Column 7; Lines 30-34) specifically relied upon by the Examiner in this regard prescribes, simply, the use of a transparent/translucent material. What is more, it prescribes such material for the disclosed device's "blade," not for any part of the actual structure supporting the blade.

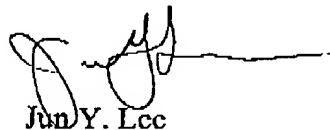
The second of the passages (Column 8; Lines 47-49) relied upon by the Examiner discloses the use of a grill or mesh, but does so specifically for a component that "fits over the front" of the rotating blade to serve as "a protective shield against bodily injury," (Column 8; Lines 45-46). This prescribes nothing more than what is typically found on most power-driven circulating fans – a protective guard to keep limbs and such away from the rotating blade.

It is respectfully submitted, therefore, that the Kroll and Carpenter references, even when considered together, fail to disclose the unique combination of features now more clearly recited by Applicant's pending Claims for the purposes and objectives disclosed in the subject Patent Application.

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It is believed that the subject Patent Application is now in condition for allowance,
and such action is respectfully requested.

Respectfully submitted,



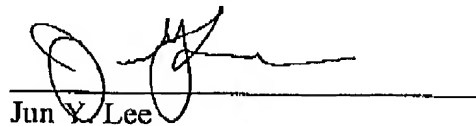
Jun Y. Lee
Registration #40,262

Rosenberg, Klein & Lee
3458 Ellicott Center Drive-Suite 101
Ellicott City, MD 21043
(410) 465-6678

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For: ROSENBERG, KLEIN & LEE


Jun Y. Lee

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